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DOCKET NO: T0509.70012US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mitsuo OCHI  
Int'l Application No. : PCT/JP2004/008972  
Int'l Filing Date : 25 June 2004 (25.06.2004)  
Priority Date : 30 June 2003 (30.06.2003)  
Title : MAGNETIC CELL AND METHOD OF USING THE SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed within three months of the date of the entry of the national stage, as set forth in 37 C.F.R. §1.491, in an international application.

No fee or certification is required.

**II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

**International Search Report PCT/JP2004/008972.**

**PART III: Remarks**

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

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2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Mitsuo OCHI, Applicant*



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Docket No. T0590.70012US00  
Dated: October 25, 2005  
xNDDx

<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: Not yet assigned		DOCKET NO.: T0509.70012US00	
				INT'L. FILING DATE: 06/25/04		<b>10/554259</b> <small>(Confirmation No.)</small>	
				APPLICANT: Mitsuo OCHI			
				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned	
Sheet	1	of	1				

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	6,203,487	B1	Consigny	03-20-2001

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	B1	JP	05-228358	A	NOEVIR CO. LTD.	09-07-1993	Y
	B2	JP	11-092360	A	TACHIBANA KATSURO, et al.	04-06-1999	Y
	B3	JP	06-133784	A	RES DEV CORP OF JAPAN	05-17-1994	Y

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	ELMI, M.M. et al., "A simple method for preparation of immuno-magnetic liposomes," Int. Journal of Pharmaceutics., 2001, Vol. 215, No. 1-2, pgs. 45-50	
	C2	MARGOLIS L.B., et al., "Magnetoliposomes: another principle of cell sorting," Biochimica et Biophysica Acta, 1983, Vol. 735, No. 1, pgs. 193-195	
	C3	SWANN I.D., et al., "Differentiation-related changes in quantitative binding of immunomagnetic beads," Journal of Immunological Methods, 1992, Vol. 152, No. 2, pgs. 245-251	
	C4	SUGITA, Takashi, et al., "Jiseitai Liposome o Mochiita Drug Delivery System ni Yoru Target Ryoho," Bio. Ind., 2002, Vol. 19, No. 6, pgs. 47-53	N
	C5	"Basic study of cancer chemotherapy with maganetoliposomes containing CDDP" Japanese Oral Surgery Society, February, 1997, pgs. 55-61	Y (abstract)
	C6	MATSUNAGA, et al., "Bio-separation by magnetic bead-based technology," Biomaterial, February, 2003, pgs. 113-119	Y (abstract)

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office has waived the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications.]